

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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IN RE: JOHNSON & JOHNSON)
TALCUM POWDER PRODUCTS)
MARKETING, SALES PRACTICES AND) MDL No. 2738 (MAS) (RLS)
PRODUCTS LIABILITY LITIGATION)

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This Document Relates To All Cases)

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**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO STRIKE
PLAINTIFFS' IMPROPER SUPPLEMENTAL REPORTS**

THIS MATTER, having been opened to the Court by Defendants for entry of an order (1) striking the expert reports of Drs. Cote, Harlow, Rothman and Newman in full; (2) striking the case-specific portion of Dr. Levy's new report; and (3) requiring Drs. Singh, Siemiatycki, Smith-Bindman, McTiernan, Longo and Kessler to submit supplemental reports that only address scientific and other developments after July 2021, and the Court having considered the submissions of the parties and having heard oral argument, and for good cause shown:

IT IS on this ____ day of _____, 2024

ORDERED as follows:

1. Defendants' Motion to Strike Plaintiffs' New Expert and Supplemental Reports filed on December 13, 2023 is hereby **GRANTED**.

2. The following reports are hereby **STRICKEN IN FULL** and shall not be considered or relied on in further proceedings:

- a. The Expert Report of Michele L. Cote, Ph.D., M.P.H., dated November 15, 2023;
- b. The Expert Report of Bernard L. Harlow, Ph.D. and Kenneth J. Rothman, Dr.P.H., dated November 15, 2023; and
- c. The Expert Report of George E. Newman, Ph.D., dated November 15, 2023.

3. The case-specific portion of the Amended Rule 26 Expert Report of Shawn Levy, PHD, dated November 15, 2023 is hereby **STRICKEN** and shall not be considered or relied on in further proceedings.

4. The following reports are hereby **STRICKEN IN FULL** and shall not be considered or relied on in further proceedings. However, the authors of the following reports may submit supplemental reports that only address scientific developments after July 2021 within ____ days of the entry of this Order:

- a. The Supplemental Expert Report of Sonal Singh, MD, MPH, dated November 15, 2023;
- b. The Second Amended Expert Report of Jack Siemiatycki, MSc, PhD, dated November 15, 2023;

- c. The Second Amended Expert Report of Rebecca Smith-Bindman, MD, dated November 15, 2023;
- d. The Second Amended Expert Report of Anne McTiernan, MD, Ph.D., dated November 15, 2023;
- e. The 3nd (sic) Supplemental MDL Report of William E. Longo, Ph.D.. dated November 17, 2023; and
- f. The Expert Report of David A. Kessler, M.D., dated November 15, 2023.

Hon. Rukhsanah L. Singh, U.S.M.J.